

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:
Gill et al.

S.N.: 09/143,279

Filed: 8/28/98

For: PROCESS AND SYSTEM FOR
DEFINING AND VISUALLY DEPICTING
COLORS FROM THE COMPONENTS OF
ARBITRARY COLOR MODELS



A.U. : 2722

Examiner: A. Alavi

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Request for Reconsideration

Dear Sir:

The Applicant hereby requests the outstanding rejection of the above-identified application be reconsidered in view of the following remarks.

Remarks

These remarks are in response to the outstanding Office Action. This request for reconsideration is a full and timely response to that Action. The claims of the above-identified application were rejected in the Office Action as being anticipated by Dermer.

Standard for Anticipation under 35 U.S.C. 102

The law is clear and well-settled that in order for a claim to be anticipated under the standard of 35 U.S.C. 102, the Patent Office bears the burden of establishing a prima facie case of anticipation. As stated by the Court of Appeals for the Federal Circuit in the case of *In re Oetiker*, 24 USPQ 2d 1443 (Fed. Cir. 1992), "[i]f the examination at the initial stage does not